

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

**ERIKA WOLFE and husband RICK
WOLFE,**

Plaintiffs,

No.:

vs.

JURY DEMAND (12)

KOHL'S, INC.,

Defendant.

NOTICE OF REMOVAL

Comes now Defendant Kohl's, Inc., by and through counsel, pursuant to 28 U.S.C. § 1446, and hereby files this Notice of Removal in the above-styled action to remove this action from the Montgomery County Circuit Court at Clarksville, Tennessee, to the United States District Court for the Middle District of Tennessee at Nashville.

To demonstrate removability, this Defendant hereby states as follows:

1. This cause of action was commenced on June 7, 2021, in the Montgomery County Circuit Court, dkt. no. CC-21-CV-0155, styled *Erika Wolfe and Rick Wolfe v. Kohl's, Inc.* A copy of all the process, pleadings and orders which have been filed with the state court are attached hereto as collective **Exhibit 1**.
2. Plaintiff served the Defendant with process on June 14, 2021. Accordingly, this Notice of Removal is timely under 28 U.S.C. § 1446 (b).
3. According to Plaintiffs' pleadings, Plaintiffs are residents and citizens of Clarksville, Montgomery County, Tennessee. [Complaint, ¶ 2].

4. Defendant Kohl's, Inc. is a Delaware corporation with its principal office in Menomonee Falls, Wisconsin.
5. Plaintiffs sue Defendant under state law tort claims based on a premises liability theory. Plaintiffs assert no federal causes of action.
6. The amount in controversy exceeds \$75,000.00 exclusive of interest and costs, by virtue of the Plaintiffs' alleged injuries in the *ad damnum* set forth in their Complaint. There is complete diversity of citizenship between the Plaintiffs, on the one hand, and the Defendant, on the other hand. Therefore, this matter is properly removable to this Court by virtue of federal diversity jurisdiction under the provisions of 28 U.S.C. § 1332 and is removable to this court pursuant to the provisions of 28 U.S.C. § 1441.
7. A copy of this Notice will be filed with the Clerk of the Circuit Court of Montgomery County, Tennessee, as required by 28 U.S.C. § 1446 (b).

Respectfully submitted,

MCANGUS GOUDELOCK & COURIE, LLC

/s/ Brian F. Walthart

BRIAN F. WALTHART, 024777

Post Office Box 198349

201 4th Avenue N., Suite 1400

Nashville, Tennessee 37219

Phone: (615) 499-7292

Facsimile: (615) 523-1496

Email: brian.walthart@mgclaw.com

ATTORNEY FOR KOHL'S, INC.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was placed in the U.S. Mail, postage prepaid, to the attorney listed below, and emailed at the electronic address indicated.

Peter M. Olson
Pete Olson Law
114 Franklin Street
Clarksville, Tennessee 37040
Email: pete@peteolsonlaw.com
Attorney for Erika Wolfe and Rick Wolfe

This the 12th day of July, 2021.

/s/ Brian F. Walthart
BRIAN F. WALTHART